

<b>Interview Summary</b>	<b>Applicant(s)</b>	
	<b>Applicant No.</b> 09/925,436	KOCHER, ROBERT WILLIAM
	<b>Examiner</b> Anthony D Barfield	<b>Art Unit</b> 3636

All participants (applicant, applicant's representative, PTO personnel):

(1) Anthony D Barfield.

(3) \_\_\_\_\_.

(2) Robert Koecker.

(4) \_\_\_\_\_.

Date of Interview: 14 April 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference

c) ☒ Personal [copy given to: 1) ☒ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.

If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 23.

Identification of prior art discussed: \_\_\_\_\_.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Applicant and examiner agreed to amend the above claim to include "a front and rear ballistic plate" and state that the rear plate contributes to the load transfer of the armored system (see attached).

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

ANTHONY D. BARFIELD  
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

\_\_\_\_\_  
Examiner's signature, if required

## Summary of Record of Interview Requirements

### Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

### Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

#### Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

#### 37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,  
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

### Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Interview Only

Application Number: **09/925,436**  
Applicant: **Robert W. Kocher**  
Filed: **08/10/2001**  
Title: **Vehicle Body Armor Support System**

Attn: **Art Unit 3636**

Examiner: **Mr. Anthony D. Barfield**

Honorable Commissioner for Patents  
U.S. Department of Commerce Patent and Trademark Office  
Washington, DC 20231

14 Apr 04

**AMENDMENT D**

Sir,

Applicant appreciates the helpful comments in past correspondence. In response to the Office Action mailed by PTO Art Unit 3636 on 01/27/2004. Please amend the above application as follows:

**Amendments to Claims** are reflected in the listing of claims which begins on page 2.

**Remarks / Arguments** begin on page 5.

**Conclusion** is on page 7.

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## **Attachment D**

Application Number: 09/925,436

Applicant: Robert W. Kocher

Filed: 08/10/2001

Title: Vehicle Body Armor Support System

## **REVISED CLAIMS**

Claim 1 (canceled)

Claims 2-4 (canceled)

Claim 5. (currently amended): The ~~armored~~ system of claim 17 ~~23~~, further including vehicle attachment points, said ~~back~~ ballistic plate ~~or front ballistic plate rests on or is~~ connected to said at least one vehicle [attachment] ~~points~~ load transfer point for transferring the ~~system~~ system's load weight to the vehicle.

Claim 6. (currently amended): The ~~armored~~ system of claim 17 ~~23~~, ~~whereby~~ wherein said at least one ballistic plate ~~back or side ballistic plate~~ is incorporated into the a vehicle seat ~~or serves as a component of the vehicle seat~~.

Claim 7. (currently amended): ~~An armored~~ The system of claim 23 comprising at least one front ballistic plate, and at least one back ballistic plates and optional side ballistic plates being made of a material to stop high velocity projectiles from an occupant in a vehicle, wherein said at least one said back ballistic plate having has an extended section resting on the vehicle seat, and the front ballistic plate having an extended section resting on said vehicle seat.

Claims (8-12) canceled

Application Number: **09/925,436**

Applicant: **Robert W. Kocher**

Filed: 08/10/2001

Title: Vehicle Body Armor Support System

Claim 13. (currently amended): The arrangement of claim ~~11~~ 23, ~~in which~~ wherein said at least one vehicle [attachment] load transfer point is ~~connected~~ operatively located between said at least one ~~said back~~ ballistic plate and ~~the~~ a floor of a vehicle.

Claim 14. (currently amended): The arrangement of claim ~~11~~ 23 in which said vehicle [attachment] load transfer point is connected between at lease one ~~said back~~ ballistic plate ~~or front ballistic plate~~ by a hanger straps.

Claim 15. (currently amended): The arrangement of claim ~~11~~ 23 ~~in which~~ wherein said at least one vehicle [attachment] load transfer point is [connected upwardly from a] on the vehicle roof [hatch] to said at least one ballistic plate.

Claim 16. (currently amended): The arrangement of claim ~~11~~ 23 ~~in which~~ wherein each said at least one vehicle [attachment] load transfer ~~points are~~ point is located above ~~the said~~ vehicle occupant.

Claims 17-22 (cancelled)

Claim 23 (currently amended) An armored system for vehicle occupant use, comprising a least one ballistic plate made of a material which can stop high velocity projectiles and configured to be contoured for being worn by the vehicle occupant selectively inside and outside a vehicle so as to transfer substantially all weight thereof directly to the vehicle through a vehicle seat or at lease one [attachment] load transfer point on the vehicle.

Application Number: **09/925,436**

Applicant: **Robert W. Kocher**

Filed: 08/10/2001

Title: **Vehicle Body Armor Support System**

Claim 24 (new): The system of claim 23, wherein the at least one ballistic plate comprises multiple ballistic plates with a ledge being provided on one of the ballistic plates support the weight of any other ballistic plate.

Claim 25 (new): The system of claim 23, wherein the at least one ballistic plate has a load transferring mechanism between upper sections thereof, extending over the vehicle occupant's shoulder and attaching to a second ballistic plate to support the weight of said second ballistic plate.

Claim 26 (new): The system of claim 23, wherein an attachment mechanism is provided for attaching said least one ballistic plate to a rear vehicle seat frame.

### **Remarks / Arguments**

By the above amendment, Applicant has rewritten claims to define the invention more particularly and distinctly so as to overcome the technical rejections and define the invention patentably over prior art.

### **Claim Rejections 35 USC 102**

Claim 23 is amended with “to be contoured for being worn by the vehicle occupant selectively inside and outside a vehicle”. Claim 23 text is changed to distinctly claim “worn by the vehicle occupant selectively inside and outside a vehicle”. Zufle teaches an armoring system attached to a vehicle but does not teach in any way attaching to the individual nor a configuration allowing the individual to wear the armor outside the vehicle. Applicant teaches throughout the Specification that and Figures configurations and advantages for allowing the vehicle operator to wear the armor system inside and outside the vehicle.

For the above reasons, when compared to prior art, Applicant should overcome the USC 102 rejection.

### **Claim Rejections 35 USC 103**

Zufle teaches a soft armoring system applied to and attached to the surface of a vehicle seat. There is no load transfer mechanism that takes the armor’s weight off of the vehicle operator since Zufle does not address the need to remove the armor load from the occupant. Zufle armor does not involve the vehicle occupant rather the armor and seat comprise the entire invention.

Zufle teaches soft body armor. By definition and through Zufle’s teachings, soft armor is pliable and flexible. Soft body armor lacks the rigidity to support itself without attachments. Ballistic plates are hard armors, which have very little flexibility and

therefore are capable to transfer loads without attachment points. Claim 23 specifically states that there must be at least one ballistic plate. This ballistic plate is instrumental for transferring system weight loads to the vehicle.

Zufle does not teach protecting the vehicle operator's front chest or rigidly attaching from the rear armor support armors to carry the load of front plate armor. Zufle relies on transferring loads through the attachment points not through the armor.

Bachner teaches a stitching for a basic soft body armor vest. Bachner does not address, teach, provide and indication of a problem or need for load transfer since his armor is light, soft armor.

Unrecognized Problem by Bachner Load transfer is an unrecognized problem by Bachner. Bachner Solves a Different Problem. Bachner solves a flexibility problem through a method of stitching soft armor together.

Applicant requests reconsideration and withdrawal of this objection since prior art combining Zufle and Bachner:

- (1) Does not recognize the problem applicant solves -- load transfer,
- (2) Solves a different problems,
- (3) Requires unsuggested modifications- developing load transfer structural material that allows the vehicle occupant to exit the vehicle wearing the load structural material and armor and rapidly enter a different vehicle.
- (4) Requires modifications- using hard armors does not apply to Bachner and exiting the vehicle with the system does not apply to Zufle.

For the above reasons, when compared to prior art, Applicant should overcome the USC 103 rejection.



## ***Conclusion***

For the above reasons, applicant submits that the claims are now in proper form, and that the claims all define patentably over prior art. Therefore Applicant submits that this application is now in condition for allowance, which action applicant respectfully requests.

Respectfully,

Robert W. Kocher  
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